

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>2/6/19</u>

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MARQUITA HENDERSON,

Plaintiff,

-v-

AFG GROUP, INC.,

Defendant.
----- X

18 Civ. 4179 (PAE)

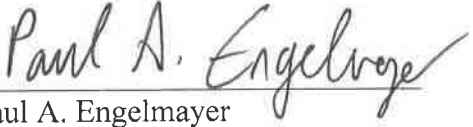
ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the discovery dispute described in the parties' recent letters. *See* Dkt. 28 (defendant's letter); Dkt. 30 (plaintiff's letter). The Court's judgment is that a forensic examination of plaintiff's computer is warranted and has significant potential to bear on disputed issues, including plaintiff's overtime hours. The Court therefore directs that this computer, forthwith, be imaged for and provided to defense counsel, so as to permit a forensic review of the computer, including as to its metadata. The cost of this imaging is to be borne by the defense.

Counsels' letters do not indicate whether potentially privileged materials may be resident on the computer; if so, this order authorizes plaintiff's counsel to take whatever steps are necessary to assure that privileged materials are not imaged. Plaintiff's counsel is to produce a log of privileged material thus withheld. The Court also authorizes an additional deposition of up to two hours of plaintiff, to permit examination of plaintiff on issues traceable to the records situated on the computer.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: February 6, 2019
New York, New York